

C.R.S. 18-12-302

Copy Citation

Statutes current through all 2021 Regular Session bills with safety clauses, effective as of July 7, 2021. The inclusion of the 2021 legislation is not final. It will be final later in 2021 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

- [Colorado Revised Statutes Annotated](#)
- [Title 18. Criminal Code \(Arts. 1 — 26\)](#)
- [Article 12. Offenses Relating to Firearms and Weapons \(Pts. 1 — 5\)](#)
- [Part 3. Large-Capacity Ammunition Magazines \(§§ 18-12-301 — 18-12-303\)](#)

18-12-302. Large-capacity magazines prohibited - penalties - exceptions

(1)

(a) Except as otherwise provided in this section, on and after July 1, 2013, a person who sells, transfers, or possesses a large-capacity magazine commits a class 2 misdemeanor.

(b) Any person who violates this subsection (1) after having been convicted of a prior violation of said subsection (1) commits a class 1 misdemeanor.

(c) Any person who violates this subsection (1) commits a class 6 felony if the person possessed a large-capacity magazine during the commission of a felony or any crime of violence, as defined in section 18-1.3-406.

(2)

(a) A person may possess a large-capacity magazine if he or she:

(I) Owns the large-capacity magazine on July 1, 2013; and

(II) Maintains continuous possession of the large-capacity magazine.

(b) If a person who is alleged to have violated subsection (1) of this section asserts that he or she is permitted to legally possess a large-capacity magazine pursuant to paragraph (a) of this subsection (2), the prosecution has the burden of proof to refute the assertion.

(3) The offense described in subsection (1) of this section shall not apply to:

(a) An entity, or any employee thereof engaged in his or her employment duties, that manufactures large-capacity magazines within Colorado exclusively for transfer to, or any licensed gun dealer, as defined in section 18-12-506 (6), or any employee thereof engaged in his or her official employment duties, that sells large-capacity magazines exclusively to:

(I) A branch of the armed forces of the United States;

(II) A department, agency, or political subdivision of the state of Colorado, or of any other state, or of the United States government;

(III) A firearms retailer for the purpose of firearms sales conducted outside the state;

(IV) A foreign national government that has been approved for such transfers by the United States government; or

(V) An out-of-state transferee who may legally possess a large-capacity magazine; or

(b) An employee of any of the following agencies who bears a firearm in the course of his or her official duties:

(I) A branch of the armed forces of the United States; or

(II) A department, agency, or political subdivision of the state of Colorado, or of any other state, or of the United States government; or

(c) A person who possesses the magazine for the sole purpose of transporting the magazine to an out-of-state entity on behalf of a manufacturer of large-capacity magazines within Colorado.

History

Source: L. 2013: Entire part added, (HB 13-1224), ch. 48, p. 145, § 1, effective July 1. L. 2018: IP(3)(a) amended, (SB 18-032), ch. 8, p. 153, § 7, effective October 1.

▼ Annotations

State Notes

ANNOTATION

This section and §§ 18-12-301 and 18-12-303 represent a reasonable exercise of the state's police power and thus are constitutional because the legislative purpose in enacting the statutes, to reduce the number of people who are killed or shot in mass shootings, reasonably furthers a legitimate governmental interest in public health and safety; the statutes are reasonably related to the legitimate governmental purpose of reducing deaths from mass shootings; and the statutes are not unconstitutionally overbroad because the statutes do not ban virtually all magazines, and limiting magazine size to fifteen rounds of ammunition does not unreasonably burden the right to self-defense. *Rocky Mtn. Gun Owners v. Hickenlooper*, 2018 COA 149, — P.3d —.